

ARTICLE APPEARED
ON PAGE 2

WALL STREET JOURNAL
18 October 1983

California Engineer Is Charged With Sale Of U.S. Defense Papers to Polish Agents

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SAN FRANCISCO—A Mountain View, Calif., engineer was charged in federal court here with selling and conspiracy to sell secret government defense documents to Polish intelligence agents who, in turn, passed them on to the Soviet Union.

James Durward Harper Jr., 49 years old, who was arrested at his home Saturday, pleaded innocent to the charges in court yesterday and was held without bail in an investigation that is continuing.

According to an affidavit filed in court by Allan M. Power, a Federal Bureau of Investigation counterintelligence agent, Mr. Harper was paid more than \$250,000 by agents of the Sluzba Bezpieczenstwa, the Polish intelligence service. Mr. Power's affidavit describes alleged espionage by Mr. Harper since 1973, but he is charged only with alleged acts since May 1979.

An FBI spokesman said that Mr. Harper, after his arrest, agreed to cooperate with the bureau.

Among other things, Mr. Harper was accused of selling research data that would enable the Minuteman intercontinental ballistic missile and other defense forces to survive a preemptive nuclear strike by the Soviet Union. Government analysts, according to the FBI affidavit, described the value of the materials as "beyond calculation" to those outside the U.S.

In Washington, Pentagon officials said they regarded the loss of the information as an extremely serious problem.

Some of the information, described as having "secret" and "confidential" classifications, was allegedly obtained by Ruby Louise Schuler, Mr. Harper's former wife, who worked at Systems Control Inc., a Palo Alto, Calif., defense contractor.

Mr. Harper didn't have a security clearance, the affidavit said, but he also "collected" technological data from "sources" in the Silicon Valley, the high-technology area south of San Francisco.

Much of the information that eventually led to Mr. Harper's arrest, according to the affidavit, came from an unidentified "high-ranking officer" in Polish intelligence, in Warsaw.

Although the affidavit describes numerous meetings over the years among the government's intelligence source, Soviet intelligence agents and apparently Mr. Harper, the American, apparently wasn't put under surveillance by the FBI until May of this year.

The affidavit said that in September 1981, a Los Angeles area lawyer, who wasn't identified, contacted the Central Intelligence Agency and said his client, also not identified, would become a government informant or counterintelligence agent in return for a grant of immunity for espionage the client would admit.

The affidavit didn't say why the client wanted to confess to espionage.

In a series of narratives provided by the lawyer, the government concluded in March 1983, from its sources and other records, that Mr. Harper was the unidentified client.

Mr. Harper's contact in Warsaw, the affidavit said, was Zdzislaw Przychodzien, who at least in 1979 was a lieutenant colonel in Polish intelligence and who was known to Mr. Harper by the code name "the minister." Mr. Przychodzien was ostensibly an official with Poland's Ministry of Machine Industry, but allegedly used that position as a cover for covert activities.

The affidavit describes a 1980 meeting in Warsaw between "an American businessman" and Polish intelligence officers in which the businessman turned over to the Poles a "large volume" of defense material, including the Minuteman data. The businessman isn't identified, but other data in the affidavit leave the impression that it was Mr. Harper.

The material turned over was so important, the affidavit quotes its Polish intelligence informant as saying, that 20 Soviet experts were flown to Warsaw to evaluate it,

and that some of the Polish agents were given commendations signed by Yuri Andropov, then head of the Soviet KGB, Russia's intelligence service.

The affidavit said that Mr. Harper was introduced to Polish spies in 1975 by a San Jose, Calif., businessman. Although named in the affidavit, the San Jose man wasn't charged and the FBI said it couldn't discuss his role in the case.

Mr. Harper allegedly had as much as 200 pounds of secret documents just before he was arrested, and the FBI affidavit said agents recovered "some" documents in a search of his home.

The time periods and European meeting places allegedly involving Mr. Harper parallel another case in which an American was accused of spying for Polish intelligence. In 1981, Marian Zacharski, an official with Polish American Machinery Co., was convicted of accepting secret military documents passed by William Holden Bell, then an engineer with Hughes Aircraft Co. Mr. Bell pleaded guilty to espionage and Mr. Zacharski was later convicted by jury. Both men are currently in prison.